

Deletions of Montana's Impact fee Law contained in HB684

7-6-1601-7	Meets the Definition of "Public Facility? "Public facilities" means:
(a)	a water supply production, treatment, storage, or distribution facility
(b)	a wastewater collection, treatment, or disposal facility
(d)	a storm water collection, retention, detention, treatment, or disposal facility or a flood control facility
(f)	other facilities for which documentation is prepared as provided in [section 2] that have been approved as part of an impact fee ordinance or resolution by:
(i)	a two-thirds majority of the governing body of an incorporated city, town, or consolidated local government
(ii)	a unanimous vote of the board of county commissioners of a county government.
7-6-1601.1.a	"Capital improvements" means improvements, land, and equipment with a useful life of 10 years or more that increase or improve the service capacity of a public facility.
7-6-1601.5.a	An impact fee may include a fee for the administration of the impact fee not to exceed 5% of the total impact fee collected.
7-6-1601-2.1.a	describes existing conditions of the facility
7-6-1601-2.1.b	establishes level of service standards
7-6-1601-2.1.c	forecasts future additional needs for service for a defined period of time
7-6-1601-2.1.d	identifies capital improvements necessary to meet future needs for service
7-6-1601-2.1.e	identifies those capital improvements needed for continued operation and maintenance of the facility
7-6-1601-2.1.f	makes a determination whether one service area or more than one service area is necessary to establish a correlation between impact fees and benefits
7-6-1601-2.1.h	establishes the methodology and time period over which the governmental entity will assign the proportionate share of capital costs for expansion of the facility to provide service to new development
7-6-1601-2.1.i	establishes the methodology that the governmental entity will use to exclude operations and maintenance costs and correction of existing deficiencies from the impact fee
7-6-1601-2.1.j	establishes the amount of the impact fee that will be imposed for each unit of increased service demand
7-6-1601-2.1.k	has a component of the budget of the governmental entity that:
7-6-1601-2.1.k.i	schedules construction of public facility capital improvements to serve projected growth
7-6-1601-2.1.k.ii	projects costs of the capital improvements
7-6-1601-2.1.k.iii	allocates collected impact fees for construction of the capital improvements
7-6-1601-2.1.k.iv	covers at least a 5-year period and is reviewed and updated at least every 2 years.
7-6-1602.3	The amount of each impact fee imposed must be based upon the actual cost of public facility expansion or improvements or reasonable estimates of the cost to be incurred by the governmental entity as a result of new development. The calculation of each impact fee must be in accordance with generally accepted accounting principles.
7-6-1602.5	An impact fee must meet the following requirements:
7-6-1602.5.a	The amount of the impact fee must be reasonably related to and roughly attributable to the development's share of the cost of infrastructure improvements made necessary by the new
7-6-1602.5.b	The impact fees imposed may not exceed a proportionate share of the costs incurred or to be incurred by the governmental entity in accommodating the in determining a proportionate share of public facilities capital improvements costs:development. The following factors must be considered
7-6-1602.5.b.i	the need for public facilities capital improvements required to serve new development
7-6-1602.5.b.ii	consideration of payments for system improvements reasonably anticipated to be made by or as a result of the development in the form of user fees, debt funding the system improvements, service payments, taxes, and other available sources of
7-6-1602.5.c	Costs for correction of existing deficiencies in a public facility may not be included in the impact fee.
7-6-1602.5.d	New development may not be held to a higher level of service than existing users unless there is a mechanism in place for the existing users to make improvements to the existing system to match the;
7-6-1602.5.e	Impact fees may not include expenses for operations and maintenance of the facility or correction of the facility.